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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/897,344	07/03/2001	John T. Giles	TG3-101US	8262

24314 7590 12/02/2002

JANSSON, SHUPE & MUNGER, LTD  
245 MAIN STREET  
RACINE, WI 53403

EXAMINER
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POKER, JENNIFER A

ART UNIT	PAPER NUMBER
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2832

DATE MAILED: 12/02/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/897,344

Applicant(s)

GILES ET AL.

Examiner

Jennifer A. Poker

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 27 September 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) 10-16 is/are withdrawn from consideration.
- 5) ☐ Claim(s)    is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s)    is/are objected to.
- 8) ☐ Claim(s)    are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 October 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on    is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No.   .
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- |  |  |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). <u>  </u> |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)    |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>4</u> | 6) <input type="checkbox"/> Other: <u>  </u>                                   |

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***Election/Restrictions***

1. Applicant's election without traverse of claims 1-9 in Paper No. 6 is acknowledged.

***Specification***

2. The disclosure is objected to because of the following informalities: the title does not reflect the claimed invention. Due to Applicant's election without traverse of product claims 1-9, the title of the invention should reflect those elected claims.

Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) The invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claim 1 is rejected under 35 U.S.C. 102(b) as being unpatentable by U.S. Patent Number 4,818,829 to Nopper, et al.

Nopper, et al, discloses a composite product, formed by bonding a flowable elastomer (resinous material), having utility in the field of electromechanical devices such as an illuminated switch or key, and the product comprising (Abstract):

- (1) A top member (110), surrounded by an outer portion that extends downward (112); these two portions integral with one another. (Figure 2) (Column 3, lines 11-16)
- (2) A substantially concave interior (figure 2)

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*Claim Rejections - 35 USC § 103*

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 2-6 are rejected under 35 U.S.C. 103(a) as being obvious over U.S. Patent Number 4,818,829 to Nopper, et al.

Regarding claims 2-4, Nopper, et al, discloses the claimed invention except for claiming a skirt portion made of opaque thermoplastic resin and a face portion made of opaque thermoplastic portion.

Due to applicant's own admission (disclosure, page 7, lines 11 and 12), "thermoplastic molding is well known in the industry"

However, Nopper, et al, states that the top member is translucent (light transmitting) and the outer portion, connected to the top member, is opaque. (Column 2, lines 20-24) (Column 3, lines 11-16)

One skilled in the art, at the time the invention was made, would have found it obvious to utilize the thermoplastic moldings, which are well known in the art, with the teachings of Nopper and incorporate a translucent top with opaque sides in order to facilitate the transmission of light through the surface of key.

In reference to claims 5 and 6, Nopper discloses a light source, found in the interior, which provides light that passes through the translucent top portion thereby giving a visual signal to an

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operator for operating the key. In one embodiment a light emitting diode is used. (Column 3, lines 1-2)

7. Claims 7-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Number 4,818,829 to Nopper, et al, in view of U.S. Patent Number 5,717,429 to Coulon, et al.

Nopper, et al, discloses the claimed invention except for indicia printed on the top surface of the key.

Coulon, et al, discloses a key cap with a finger pad top surface and a skirt portion attached thereto. The finger pad may have a letter or a character symbol, such as the letter "A", applied to the upper surface. The letters or characters may be silk-screened, printed, or applied by a number of other techniques known in the art. (Column 4, lines 24-34)

Due to applicant's own admission (disclosure, page 8, line 14-16), "The preferred printing process is a heat transfer/sublimation process utilizing dye-bearing sheets in mirror-negative image of the preselected images. Such processes are well known in the industry."

One skilled in the art, at the time the invention was made would have found it obvious to combine the teachings of Nopper, et al, with the teachings of Coulon, et al, to use a well known process for incorporating indicia to the surface of the key in order to provide an image for an operator to see what key it is that he/she may be using.

### ***Contact Information***


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jennifer A. Poker whose telephone number is 703-305-4037. The examiner can normally be reached on 6:00-3:30, Mon.-Fri. (alternating Fridays off).

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Elvin G. Enad can be reached on 703-308-7619. The fax phone numbers for the organization where this application or proceeding is assigned are 703-308-3432 for regular communications and 703-746-8181 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1782.

jap  
November 22, 2002

  
ELVIN ENAD  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2800  
11/29/02